

REMARKS

Claims 1-9 are pending in the present application.

This Amendment is in response to the Office Action mailed May 30, 2007. In the Office Action, the Examiner rejected claims 8-9 under 35 U.S.C. § 112, second paragraph, and claims 1-2 and 4-9 under 35 U.S.C. § 102(b) and claims 1 and 3 under 35 U.S.C. § 103(a).

Applicant has amended claims 1, 4, 5, 6, 8 and 9. Reconsideration in light of the amendments and remarks made herein is respectfully requested.

I. REJECTION UNDER 35 U.S.C. § 112

The Examiner rejected claims 8 and 9 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. The Examiner stated, "For the examination purposes, claims 8 and 9 were treated as being dependent of claim 7." Applicant has amended claims 8 and 9 to depend on claim 7 accordingly. Therefore, the rejection is now moot. Applicant respectfully requests the rejection be withdrawn.

II. REJECTIONS UNDER 35 U.S.C. § 102

In the Office Action, the Examiner rejected, under 35 U.S.C. § 102(b): a) claims 1-2 and 4-9 as being anticipated by U.S. Publication No. 2002/0122995 filed by Mancini et al. ("Mancini"); b) claims 1-2 and 4-5 as being anticipated by WO 98/58373 filed by Myers ("Myers"); and c) claims 1, 7 and 8 as being anticipated by U.S. Patent No. 5,773,366 issued to Hwang ("Hwang"). Applicant respectfully traverses the rejections for the following reasons.

Mancini discloses a substrate 12, having formed thereon surface 14, etch stop layer 16 and patterning layer 20, formed on surface 18 of etch stop layer 16. Formed thereon surface 22 of patterning layer 20 is a resist layer 24 (page 3, para. 0019 and FIGS. 4 and 5). Mancini, however, does not disclose at least two layers of thin film in between the substrate main body and the resist film, wherein the layer adjacent to the resist film has a smaller average distance λ than the layer adjacent to the substrate main body.

Myers discloses optical disks that comprise a substrate, a metallized layer and a coating formed from a radiation-curable composition. The radiation-curable composition comprises a first component and a second component (Abstract). The metallized layer is typically formed on the surface of the substrate which contains the microscopic pits and lands ... (p. 5, lines. 14-15). Nowhere in Myers that discloses at least two layers of thin film in between the substrate main body and the resist film, wherein the layer adjacent to the resist film has a smaller average distance λ than the layer adjacent to the substrate main body. Moreover, in contrast to the present invention, Myers is directed to optical disc, and more particularly to such optical discs wherein the coating is formed from radiation-curable composition. The present invention relates to an electron beam recording (EBR) technology. In the present invention, the substrate holds a resist film where electron beam information recording is carried out. Optical disc technology and electron beam recording technology are two completely different technologies.

Hwang discloses a method for forming a tungsten wiring. The method includes the steps of sequentially forming a tungsten junction layer and a tungsten film over a semiconductor substrate (Abstract). In accordance with this method, a tungsten junction layer 13 is first formed over a semiconductor substrate 11, as shown in FIG.

1A. Over the tungsten junction layer 13, a tungsten film 15 is formed. The tungsten film 13 has a multilayer structure consisting of Ti and TiN films. Hwang may have disclosed multilayers structure consisting of Ti and TiN films. Hwang, however, does not disclose which layer of films is adjacent to the resist film and which layer of film is adjacent to the substrate main body.

To support a 102 rejection, the Examiner must show that “each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” Verdegaal Bro. v. Union Oil Co. of California, 814 F.2d 628, 631 (Fed. Cir. 1987), (MPEP §2131). In addition, “[t]he identical invention must be shown in as complete detail as is contained in the ... claim.” Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989), (MPEP §2131). Here the Examiner has not pointed out the specific language in Mancini, Myers, or Hwang that teaches at least two layers of thin film in between the substrate main body and the resist film, wherein the layer adjacent to the resist film has a smaller average distance λ than the layer adjacent to the substrate main body.

Since there is no showing of the identical invention in as complete detail as is contained in the claim, Applicant respectfully requests that rejection under 35 U.S.C. §102(b) be withdrawn.

III. REJECTIONS UNDER 35 U.S.C. § 103

The Examiner rejected claims 1 and 3 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,521,034 issued to Hotta (“Hotta”). Applicant respectfully traverses the rejection for the following reasons.

Hotta discloses an individual identification label comprising a substrate having individual identification information recorded on the surface thereof, wherein the substrate comprises a metal plate or a metal foil and the individual identification information is formed by a polyimide resin (Abstract). The material for the substrate is copper, nickel, iron, aluminum, stainless steel, etc. (Col. 2, lines. 1-2). The Examiner stated, "The photosensitive polyimide resin being equivalent to the resist film of the instant application." He further stated, "It is the Examiner's position that that upper surface of the substrate in the proximity of the photo sensitive resin layer acts as a surface area layer." In contrast to the present invention, where it claimed an electron beam recording substrate, Hotta claimed an individual identification label, which has nothing to do with the electron beam recording technology. Furthermore, nowhere in Hotta that discloses at least two layers of thin film in between the substrate main body and the resist film, wherein the layer adjacent to the resist film has a smaller average distance λ than the layer adjacent to the substrate main body. Moreover, the present invention relates to electron beam recording technology. The substrate used in Hotta comprises a metal plate or a metal foil wherein the substrate used in the claimed invention holds a resist film where electron beam information recording is carried out.

Mancini, Myers, Hwang, and Hotta, taken alone or in any combination, do not disclose, suggest, or render obvious at least two layers of thin film in between the substrate main body and the resist film, wherein the layer adjacent to the resist film has a smaller average distance λ than the layer adjacent to the substrate main body. This aspect of the invention is supported in the specification on page 8 (lines 16 – 26), and is recited in amended claim 1.

Therefore, Applicant believes that independent claim1 and their respective dependent claims are distinguishable over the cited prior art references. Accordingly, Applicant respectfully requests the rejections under 35 U.S.C. § 102(b) and § 103(a) be withdrawn.

CONCLUSION

In view of the amendments and remarks made above, it is respectfully submitted that the pending claims are in condition for allowance, and such action is respectfully solicited. If it is believed that a telephone conversation would expedite the prosecution of the present application, or clarify matters with regard to its allowance, the Examiner is invited to contact the undersigned attorney at the number listed below.

The Commissioner is hereby authorized to charge payment of any required fees associated with this Communication or credit any overpayment to Deposit Account No. 04-1175.

Respectfully submitted,

DISCOVISION ASSOCIATES

Dated: _____

09/28/07



Caroline T. Do, Esq.
Reg. No. 47,529

DISCOVISION ASSOCIATES
INTELLECTUAL PROPERTY DEVELOPMENT
2265 E. 220th Street
Long Beach, CA 90810
(310) 952-3300